

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHN CHRISTENSEN, )  
vs. )  
Plaintiff, )  
vs. )  
CHRIS ANDERSON, *et al.*, )  
Defendants. )  
NO. CIV-24-0562-HE

## ORDER

Plaintiffs John Christensen and Andrew Linton Sawyers brought this action alleging the Cleveland County Sheriff and staff at the Cleveland County Detention Center violated their and other inmates' constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Thereafter, Mr. Sawyers sought and obtained leave to withdraw as a party.

On July 11, 2024, Judge Mitchell issued a Report and Recommendation recommending the court dismiss Mr. Christensen's complaint without prejudice based on his failure to follow the court's rules and orders. Plaintiff Christensen was advised of his right to object to the Report and Recommendation by August 1, 2024. No objection has been filed by him. Mr. Sawyers has, however, requested that he be allowed to re-appear in the case.

The court concludes there is less potential for confusion if Mr. Sawyers proceeds in his own name and case, rather than re-appearing here, and therefore declines to permit his request to refile [Doc. #11]. Further, the court concludes plaintiff Christensen has waived

his right to appellate review of the factual and legal issues addressed in the report.

Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #10] and **DISMISSES** plaintiff's complaint without prejudice for failure to follow the court's rules and orders.

**IT IS SO ORDERED.**

Dated this 13<sup>th</sup> day of August, 2024.

  
JOE HEATON  
UNITED STATES DISTRICT JUDGE